

Remarks

This amendment responds to the official action of December 10, 2009 and is accompanied by a petition for one month extension and the necessary official fee.

The official action contains no rejection over prior art, but claims 1-20 are rejected under 35 U.S.C. §112, first paragraph, on the ground that the disclosure is considered to lack a written description of the passage in claim 1 that reads:

"wherein the retaining mechanism is configured to allow the shower hose to be pulled out yet prevents the shower hose from being pulled back, and wherein the coupling and decoupling are actuated manually."

In support of the rejection, the official action quotes a selected portion of the disclosure, namely page 10, lines 1-26 (paragraphs [0054] and [0055] as published). According to the official action, the disclosure is silent about the retaining mechanism being configured to allow the shower hose to be pulled out yet prevents the shower hose from being pulled back, and the coupling and decoupling are actuated manually.

Reconsideration is requested, the disclosure supports providing a mechanism that functions exactly as claimed, including the passage that has been quoted in the official action. The background and objects support the claim. There are plural embodiments described in the disclosure that meet the characteristics stated in the claim. The specific characteristics stated in the claim are mentioned in the disclosure. An exemplary operable embodiment that meets the objects and has the characteristics claimed is disclosed in detail and with variations. Therefore, applicant requests withdrawal of the rejection and allowance of claims 1-20.

It is unclear from the official action whether the grounds of rejection are for lack of an appearance in the disclosure of some term or function found in the claim language, or because the claim is being officially interpreted in some peculiar way. Applicant finds no basis for doubting the presence of a written description and an enabling disclosure.

In order to advance prosecution, applicant proposes to amend claim 1 to improve its clarity. No new matter is presented. In these remarks, applicant also points out passages in the description where the written description can be found to support the

language and functional recital in claim 1 (which description was adequate both before and after the present amendment). There is no basis for a rejection for lack of written description.

Claim 1 as amended recites a retaining mechanism for securing the shower hose against movement in one direction, with a detachable coupling for coupling and decoupling the shower hose with the retaining mechanism, wherein the retaining mechanism allows the shower hose to be pulled out, and when coupled prevents the shower hose from being pulled back, and when decoupled allows the shower hose to be pulled back, wherein the detachable coupling is actuated for said coupling and decoupling, manually by manipulation of the shower hose.

Support for the claimed subject matter can be found at least in the following cited passages:

The invention described in the disclosure has a manually manipulated spray head (a "shower head") on a hose that is fed through a fitting such as a feed-through opening in a washstand (e.g., a countertop). The shower head may reside in the fitting when not in use. The shower head can be pulled out on the hose for spraying, or the hose can be retracted. The weight of the hose hanging below the fitting may provide the retracting force, or there can be an apparatus that applies a retracting force. Automatic retraction of the hose can be annoying, for example if the hose is briefly set aside (namely if the user lets go of the hose and shower head). The disclosure provides a mechanism to prevent automatic retraction, with the facility to switch the automatic mechanism on and off. See page 1, lines 1-34 (paragraphs [0001] to [0006] as published.)

A retaining mechanism is disposed on or in the feed-through element (page 2, line 10, para. [0007]). The mechanism is enabled and disabled (actuated) by manual action at the feed through element itself (page 2, line 16 and para. [0008]), and more particularly by manipulation of the hose (page 2, line 31 and para. [0012]). In some embodiments mentioned at page 2, line 36 to page 3, line 12, switching involves distinguishing between quick and slow manual movement of the hose (para. [0011]), or

longer or shorter distance pulls on the hose (para. [0013]), or toggling on and off by successive pulling and releasing actions (para. [0012]).

A particular example of the retaining mechanism frees or arrests the hose in different rotational positions of a clamping mechanism (page 3, lines 26-33, para. [0016]), obtained by successive pull and release movements. For this purpose, an inner sleeve interacts with an outer sleeve in the feed-through element to clamp against the hose in some rotational positions and to release the hose in other rotational positions (page 3, line 26 to page 4, line 15, para. [0016] to [0019]). The clamping sleeve holds sufficiently to the hose to be carried along with the hose at least in the longitudinal direction, so that the clamping coupling can be actuated by movement of the hose (page 5, lines 26-31, para. [0027]). Pulling and releasing the hose rotates the mechanism, moving the clamping sleeve into the locking position and then into the release position by successive pull-release operations. See Page 6, lines 1-14 (para. [0029]).

The official action cites to the description at page 10, lines 1-26 (paragraphs [0054] and [0055] as published), which is the beginning part of a longer discussion explaining how pulling and releasing the hose causes the device to switch between states in which the clamping sleeve allows the hose to be pulled out, and either clamps or does not clamp the hose in the different states of actuation of the device. One state prevents the hose from being retracted again; and the other allows the hose to retract. These passage are followed immediately by a further discussion from page 10, line 28 to page 12, line 15 (paragraphs [0056] to [0061]), where the structure and operation of the claimed device are further disclosed in detail. The foregoing passages taken together provide a sufficient written description of the subject matter claimed. There is no basis to assert that the written description resides exclusively at page 10, lines 1-26 (paragraphs [0054] and [0055]).

Moreover, claim 1 is supported by the written description even in the limited part of the disclosure mentioned in the official action at page 10, lines 1-26 (paragraphs [0054] and [0055]). There is no conflict between the claim language and that portion of the disclosure, and no basis to assert that the written description is deficient.

The hose carries the clamping sleeve along longitudinally (page 5, lines 26-31, para. [0027]) so that contact against a shoulder switches clamping states. At a given point in time, the clamping device might be in its clamping state or not. Fig. 4 is shown and described as the release position (i.e., the unclamped state) and Fig. 6 is the clamped setting (the clamped state). Pulling on the hose brings the clamping sleeve longitudinally up to a shoulder 23 of the outer sleeve (page 10, lines 1-15 and para. [0054]), and operates a rotational stepping mechanism that advances the mechanism into the next state. The clamping sleeve is carried longitudinally on the hose in the unclamped state as well, but the force with which the clamping sleeve is secured is only small. Withdrawal of the hose 5 is scarcely hindered (page 10, lines 11-15, para. [0054]).

If the hose is released to be retracted backwards through the feed-through element by the spring 13 (and/or perhaps from the hanging weight of the hose under the feed through element), there are two possibilities. One possibility is that the clamping mechanism is in the unlocked state, in which case the clamping mechanism does not stop the hose from retracting. (Page 10, lines 24-26, para. [0055]). If the mechanism is in the clamped state, the mechanism stops the hose from retracting. (Page 10, lines 28-37, para. [0056]).

According to claim 1, the invention comprises a retaining mechanism for securing the shower hose against movement in one direction, with a detachable coupling for coupling and decoupling the shower hose with the retaining mechanism, wherein the retaining mechanism allows the shower hose to be pulled out, and when coupled prevents the shower hose from being pulled back, and when decoupled allows the shower hose to be pulled back, wherein the detachable coupling is actuated for said coupling and decoupling, manually by manipulation of the shower hose. This subject matter is supported by the written description, including the passages specifically noted hereinabove. The disclosure is sufficient to enable a person of ordinary skill to make and use the invention claimed. Applicant requests withdrawal of the rejection under 35 U.S.C. §112, and allowance of the claims.

The official action lacks a rejection over prior art. In response to a previous official action, applicant pointed out that certain cited prior art, EP 486000 – Okayama, did not disclose or suggest a device that is switched by manual action between states of holding or releasing engagement. The prior art failed to disclose or remotely suggest the subject matter claimed as a whole.

The disclosure provides full and adequate support for the claims. The differences between the invention and the prior art are such that the subject matter claimed as a whole is not shown to have been known or obvious. The application is in condition for allowance. Applicant requests allowance of the amended claims.

Respectfully submitted,

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